

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Darla Padgett, et al.,

NO. C 04-03946 JW

Plaintiffs,

**ORDER APPOINTING TOM DENVER
AS SPECIAL MASTER**

v.

City of Monte Sereno, et al.,

Defendants.

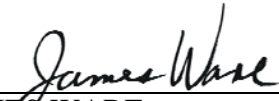
On March 12, 2007, the Court conducted a hearing on Plaintiff's motion for terminating sanctions. As the result of the hearing, the Court ORDERS the appointment of Mr. Tom Denver as the Special Master with the following powers:

1. Monitor discovery with respect to the inspection of the City of Monte Sereno's computers and servers; including but not limited to, physical presence during the examination.
2. Allow such additional discovery as deemed necessary in order to prepare for trial.
3. Resolve all discovery disputes, including but not limited to, disputes regarding the scope of the Court's previous discovery Order.
4. Establish a procedure for identification and disclosure of privileged documents for the Court's review.

1 5. The City shall bear all the expenses of the Special Master, unless the Special Master
2 determines that Plaintiffs' conduct is contributing to delay in proceedings from the
3 date of this Order until discovery is completed. In such event, the Special Master
4 shall make the appropriate recommendations with respect to division of costs.

5 The parties shall contact Mr. Denver, at (408) 280-7883, no later than ten (10) days from the
6 date of this Order to commence the computers' examination process.

7
8 Dated: March 16, 2007



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Darla Kaye Padgett Actiontkr@aol.com
3 Joseph C. Howard jhoward@hrmlaw.com
4 Todd H. Master tmaster@hrmlaw.com

5 **Dated: March 16, 2007**

Richard W. Wieking, Clerk

6 **By: /s/ JW Chambers**

Elizabeth Garcia
Courtroom Deputy